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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/767,313

01/29/2004

Denton Jackson III

P00020

5487

7590

01/24/2005

Charles F. Rye
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EXAMINER

NGUYEN, PHUONGCHI T

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,313

Applicant(s)

JACKSON, DENTON

Examiner

Phuongchi Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-11 is/are allowed.
- 6) ☒ Claim(s) 1-2 and 4 is/are rejected.
- 7) ☒ Claim(s) 3 and 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by P.S.Ramos (US2650286).

In regarding to claim 1, P.S.Ramos discloses (figure 5) a bracket assembly comprising a lifting ring (adjacent 17) defining a first aperture (17) of a predetermined diameter to receive the (electrical) manipulating means (32); a rigid region (adjacent 24) radially extending from the lifting ring (adjacent 17), the rigid region (adjacent 24) having a second aperture (24) disposed there through, wherein the second aperture (24) is adapted to receive a mounting means (26); the lifting ring (adjacent 17) and rigid region (adjacent 24) forming a unitarily formed body; and the lifting region (adjacent 17) proximate to the first aperture (17) at a first end (of 17) and the rigid region (adjacent 24) proximate to the second aperture (24) at a second end (of 24) and the rigid region (adjacent 24) between the first end (of 17) and the second end (of 24) forms a middle area (23).

Regarding to the limitation, “for accommodating a manipulating mean for lifting a hot line grounding set and positioning the clamps on a power line or other conductor” and “to rigidly attach the mounting bracket to the cable clamped”, the recitation that has been given very little patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a

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self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).

In regarding to claim 2, P.S. Ramos discloses (figure 1) the bracket assembly wherein the body's middle area (23) is generally parallel to the first end (of 17) and the second end (of 24).

In regarding to claim 4, P.S. Ramos further discloses (figure 5) the bracket assembly wherein the middle area (23) is further formed generally on a second reference axis, generally in the center of the middle area (23) and generally perpendicular to the first reference axis.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nolan et al.(US5,515,236); Baker, Timothy R.(US2004/0173436); De France, Robert (US2002/0177353); Soares et al.(US6,603,075); Duke et al. (US5,011,421) and DOUGLAS HARRY A(US2,145,164) are cite to show the related bracket.

Allowable Subject Matter

4. Claims 6-11 are allowed.

5. Claims 3 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

In regarding to claim 3, the prior fails to teach or suggest the bracket assembly wherein the body's middle area is formed to clock the first end relative to the second end generally on a reference axis of a line from the center of the first aperture to the center of the second aperture.

In regarding to claim 5, the prior fails to teach or suggest the bracket assembly wherein the rigid region consists of a clamp of a hot line wire assembly.

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In regarding to claim 6, none of prior art teach or suggest a bracket assembly for lifting a hot line rounding set and positioning the clamps on a power line comprising the combination of the bracket and an anti torque arm rigidly attached to the body between the first and second apertures, arranged as claimed.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchi Nguyen whose telephone number is (571) 272-2012. The examiner can normally be reached on 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PCN

December 17, 2004


ROSS GUSHI
PRIMARY EXAMINER